BANKRUPTCY—EXEMPTIONS—WEARING APPAREL.—IN RE EVERLETH, 12 AM. B. R. 236.—*Held*, that a watch and chain, or belt and sword are not exempt to a bankrupt as wearing apparel.

In this case that, only, is considered wearing apparel, which is fitted for the protection of the body. Many other courts hold like opinions, as *Towns v. Pratt*, 33 N. H. 345, which held that a cabinet box and breast pin were not exempt, also *Rothschild v. Boelter*, 18 Minn. 332, where a watch and chain were not exempt. On the other hand, the great weight of authority is in favor of considering a watch and chain as wearing apparel. *In re Steele*, 2 Flipp (U.S.) 325. And the general rule, in opposition to the present case, seems to be that reasonable ornaments for the person come under the head of wearing apparel. *Mack v. Parks*, 8 Grey (Mass.) 517.

BANKRUPTCY—INVOLUNTARY PROCEEDINGS—WHO MAY MAINTAIN.—IN RE CALLISON, 130 FED. 987. (FLA.).—*Held*, that a creditor must have been in existence, as such, at time alleged act of bankruptcy was committed, to entitle him to maintain a petition in involuntary bankruptcy against his debtor.

The authorities are in conflict on this point. Some courts hold that the debt, only, and not the creditor as such, must have been in existence at time alleged act was committed. The debt may be subsequently assigned, and the assignee be entitled to maintain a petition. *Glaiser v. Hewer*, 7 T. R. 495; *Ex Parte Lee*, 1 P. Williams, 782; *Ex Parte Shouse*, Crabb (U. S.) 482; *In Re Woodford*, 30 Fed. Cas. No. 17,972; *Amer. Carpet Lining Co. v. Chipman*, 146 Mass. 385. In *Ex P. Shouse*, *supra*, Randal, J. says: "All that is required is, that the petitioners should be creditors at the time of presenting their petition." From this, it would seem that even the debt is not required to have been in existence at time of alleged act; but it is not believed that this was intended by the court. Though the decisions cited by the court in *In re Callison*, support its opinion, the better rule seems to be, as above stated, that only the debt need have been in existence at the time debtor became a bankrupt to entitle a creditor to maintain a petition.

BANKRUPTCY—LIEN—JUDGMENT WITHIN FOUR MONTHS.—MOHR V. MATTOX, 12 AM. B. R. 330.—*Held*, that a sheriff who neglects to execute a judgment on insolvent's property until after a petition in insolvency is filed which renders said judgment void is not liable in damages to the judgment creditor.

This case seems to be contrary to authority. In *Kimbro v. Edmondson*, 46 Ga. 130 the sheriff was held liable for failure to levy on goods which were later exempted under the homestead act. While in *Noble v. Whetstone*, 45 Ala. 361, it was held that the sheriff was liable for not using due care to execute a void judgment that did not show its invalidity on its face. In Georgia, where this case was decided, if the judgment creditor has reduced the judgment to possession and received the proceeds he can hold it against the trustee in bankruptcy. *In re Blair*, 4 Am. B. R.; *Levas v. Seiter*, 8 Am. B. R. 459. Therefore, the judgment is not void as claimed by the court but merely voidable. A levy of execution would have been good up to the time of the filing of the petition. The defendant then by his neglect certainly injured the plaintiff and should have been held liable.

BANKRUPTCY—ORDER TO PAY MONEY—CONTEMPT.—IN RE LEINWEBER, 12 AM. B. R. 175.—When the bankrupt testifies that he has paid away his assets